



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

February 14, 2019

Via Electronic Transmission to (67135-98110867@requests.muckrock.com)
Brett Barrouquere
Louisville, KY

**Re: Right-to-Know Law Request - dated January 9, 2019
Internal No. C-2019-004**

Dear Mr. Barrouquere:

On January 9, 2019, the Office of the Governor (Office) received your request for information pursuant to the Pennsylvania Right-To-Know Law, 65 P.S. §§ 67.101, et seq. (RTKL), wherein you requested:

“any material documenting communication between of the organization Alliance Defending Freedom, also known as ADF, and the Pennsylvania Governor's office between January 10, 2011 and the present.”

By letter dated January 17, 2019, this Office informed you that it would require an extension of time, until no later than February 19, 2019, to review your request.

After such review, the Office has searched its records, and does not have any requested records in its possession, under its custody or its control. 65 P.S. § 67.705. In responding to requests for access to public records, an agency is not required to “create a record which does not currently exist at the time a request is received.” 65 P.S. § 67.705. An agency is also not required to produce records that are not in its possession, or within its custody or under its control. Please note that “[i]t is not a denial of access when an agency does not possess records and there is no legal obligation to obtain them (see, e.g. section 67.506(d)(1)).” See, *In the Matter of Jenkins v. Pennsylvania Dep’t of State*, OOR Dkt. AP 2009-065, dated April 2, 2009.

Nevertheless, you have the right to appeal this response to the Office of Open Records. If you choose to file an appeal, you must do so in writing and within 15 business days of the mailing date of this response and simultaneously send a copy of the appeal to me in the same manner as the appeal is sent to the Office of Open Records (i.e., e-mail, fax, and regular U.S. mail or hand delivery.) Please direct your appeal to the Executive Director, Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234. If you choose to file an appeal, you must include the following:

- (1) a copy of your request;

- (2) a copy of this response; and
- (3) the reason(s) in support of your appeal and/or why you believe the agency is in possession of records, or unable to meet any of the exemptions as stated in this response.

For your convenience, the Office of Open Records has an appeal form available on its website at:
http://www.openrecords.pa.gov/Documents/Appeals/Appeal_Form.pdf.

Thank you for your patience as we processed your request. Should you have any questions or require any further assistance, please do not hesitate to contact me *via* e-mail at RA-GOVRTKL@pa.gov

Respectfully,



Marc Eisenstein

Agency Open Records Officer